

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IGNACIO GARCIA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Civil Action No. **3:14-CV-357-L**

ORDER

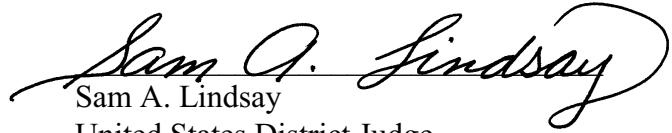
Before the court is the Motion to Dismiss, or in the Alternative, Motion for Summary Judgment on Petitioner's Motion for Return of Property (Doc. 14), filed April 18, 2014. This case was referred to Magistrate Judge Irma Carrillo Ramirez, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on January 30, 2015, recommending that the court grant Respondent's Motion for Summary Judgment on Petitioner's Motion for Return of Property and dismiss with prejudice this action. On March 6, 2015, the court extended Petitioner's deadline to file objections to the Report to March 27, 2015, and vacated its prior order and judgment dismissing with prejudice this action. No objections were received by the court as of the date of this order.

Having reviewed the motion, pleadings, file, record in this case, and Report, the court determines that the findings and conclusions are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Respondent's Motion for Summary Judgment on Petitioner's Motion for Return of Property (Doc. 14) and **dismisses with prejudice** this action. The court's

determination as to Respondent's Motion for Summary Judgment on Petitioner's Motion for Return of Property **moots** Respondent's Motion to Dismiss, which the court **denies as moot**.

The court **certifies** that any appeal of this action would not be taken in good faith and **denies** a certificate of appealability. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

It is so ordered this 20th day of April, 2015.


Sam A. Lindsay
United States District Judge